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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,709	08/07/2000	Paul Kunisch	GR 98 P 1128 P	3828

7590 11/17/2003

Lerner and Greenberg P A
Post Office Box 2480
Hollywood, FL 33022-2480

EXAMINER

TIEU, BINH KIEN

ART UNIT	PAPER NUMBER
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2643

9

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

KS

Office Action Summary

Application No.

09/633,709

Applicant(s)

KUNISCH ET AL.

Examiner

BINH K. TIEU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Preliminary Amendment

The preliminary amendment filed and dated on April 12, 2001 was entered. As the results, original filed claims 1-4 were cancelled. New claims 5-10 were entered. Claims 5-10 are pending in this Application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Toole et al. (U.S. Pat. #: 5,889,856).

Regarding claim 5, O'Toole et al. ("O'Toole") teaches a method of handling telephone signals supplied by an analog telephone set and data supplied by a data terminal in subscriber line circuit of a digital telephone switching system (i.e., integrated line card of a central office as shown in figure 6) used at least in subregions for data transmission (col.7, lines 1-30), which comprises:

directly connecting a telephone set and a data terminal with a modem to a subscriber line circuit of a digital telephone switching system through a common analog subscriber line (col.7, lines 31-43);

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at least one of:

subjecting data supplied by the data terminal to a sampling operation at a sampling rate above a sampling rate required for telephone information during analog/digital conversion (col.8, lines 36-47; col.9, lines 7-10 and lines 37-51);

feeding data originating from and handled by the data terminal directly to a data transmission network (col.8, lines 48-54).

Regarding claim 6, note col.9, lines 7-21.

Regarding claim 7, O'Toole teaches a subscriber line circuit handling telephone signals supplied by an analog telephone set and data supplied by a data terminal in subscriber line circuit of a digital telephone switching system (i.e., integrated line card of a central office as shown in figure 6) used at least in subregions for data transmission (col.7, lines 1-30), comprises:

- a telephone set for producing telephone signals (i.e., telephone set 10 shown in figure 2);
- a data terminal having a modem for producing data signals (i.e., ADSL modem 14);
- an analog subscriber line (i.e., telephone line 20), said telephone set and said data terminal directly connected to a subscriber line circuit of a digital telephone switching system through said analog subscriber line (i.e., integrated line card of a central office as shown in figure 6; col.7, lines 31-43);

- an analog/digital converter (i.e., A/D converter 44, col.8, lines 36-43; col.9, lines 7-12; and col.9, lines 37-42) having a sampling rate above a sampling rate required for telephone information, said analog/digital converter:

- connected to said telephone set and said data terminal;
 - receiving said telephone signals and said data signals; and

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producing digital signals (col.7, lines 31-52); and

a digital signal processor (i.e., DSP 50) reducing said digital signals at least when said digital signals represent telephone signals to a transmission bit rate for telephone transmission and simultaneously coding said telephone signals according to a nonlinear characteristic (col.8, lines 12-20 and col.9, lines 5-51).

Regarding claim 8, note col.8, lines 36-54 and col.9, lines 28-51.

Regarding claim 9, O'Toole teaches in a digital telephone switching system used at least in subregions for data transmission (i.e., integrated line card of a central office as shown in figure 6, note col.7, lines 1-30), comprises:

a telephone set for producing telephone signals (i.e., telephone set 10 shown in figure 2);

a data terminal having a modem for producing data signals (i.e., ADSL modem 14);

an analog subscriber line (i.e., telephone line 20), said telephone set and said data terminal directly connected to a subscriber line circuit of a digital telephone switching system through said analog subscriber line (i.e., integrated line card of a central office as shown in figure 6; col.7, lines 31-43);

an analog/digital converter (i.e., A/D converter 44, col.8, lines 36-43; col.9, lines 7-12; and col.9, lines 37-42) having a sampling rate above a sampling rate required for telephone information, said analog/digital converter:

connected to said telephone set and said data terminal;

receiving said telephone signals and said data signals; and

producing digital signals (col.7, lines 31-52); and

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a digital signal processor (i.e., DSP 50) reducing said digital signals at least when said digital signals represent telephone signals to a transmission bit rate for telephone transmission and simultaneously coding said telephone signals according to a nonlinear characteristic (col.8, lines 12-20 and col.9, lines 5-51).

Regarding claim 10, note col.8, lines 36-54 and col.9, lines 28-51.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (703) 305-3963 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:

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Washington, D.C. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).



BINH TIEU
PRIMARY EXAMINER

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Date: September 24, 2003